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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/210,213	12/11/1998	THOMAS F. LA PORTA	42-6-13-3-4	5845

7590 09/19/2002

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EXAMINER

DUONG, DUC T

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 09/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/210,213

Applicant(s)

LA PORTA ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4&6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. Regarding to the amendment filed on July 2, 2002, claim 4 had been canceled and claims 1-3 and 5-21 are still pending in the application.

Claim Objections

2. Claims 5 and 6 are objected to because of the following informalities: the claims are dependent of canceled claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 6, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmaier (U.S. Patent 6,304,753 B1) in view of Pelech et al (U.S. Patent 6,243,585 B1).

Regarding to claim 1, Hartmaier discloses a method of establishing a routing path for packet delivery to a destination node within the same packet-based subnet, said destination node 170 having a destination node address (Fig. 3A, permanent IP address), said method comprising the steps of launching a path setup message from said destination node (Fig. 2 col. 4 lines 2-5), receiving said path setup message over a

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first interface at a first router 120 (col. 4 lines 13-15), and creating a first routing table entry (Fig. 3 B, temporary IP address) for a first routing table, said first routing table entry corresponding said destination node address to said first interface (Fig. 2 col. 4 lines 57-61), wherein a packet, subsequently received at said first router and having said destination node address as a packet header destination address, is forwarded from said first router over said first interface after said first router associates said destination node address with said first routing table entry (Fig. 5 col. 6 lines 35-54).

Hartmaier fails to teach for forwarding a handoff update path setup message from a second wireless base station to a first wireless base station if said wireless device is handed off from said first wireless base station to said second wireless base station, said handoff update path setup message used to alter routing table entries for selected routers of said subnet.

However, Pelech discloses a wireless telecommunications network, wherein a message for the handoff of a wireless terminal from the second base station to the first station is used to updated the routing table entry of the ancestral nodes (routers) serving the two base stations (Fig. 7 col. 10 lines 61-67 and col. 11 lines 1-9).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to includes a handoff procedure as taught by Pelech in Hartmaier's method with the motivation to have little or no interruption in service to the wireless terminal when the topology network changes.

Regarding to claim 2, Hartmaier discloses destination device node 170 (mobile unit) is wireless device (Fig. 1 col. 2 lines 2-3)

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Regarding to claim 3, Pelech discloses first router (ancestral node) is incorporated within a first wireless base station (Fig. 3 col. 5 lines 8 lines 50-65).

Regarding to claim 5, Pelech discloses plurality of subnet routers include at least said first wireless base station and said second wireless base station (Fig. 3 col. 7 lines 35-47).

Regarding to claim 6, Pelech discloses handoff update path setup is initiated from said wireless device (Fig. 7 col. 10 lines 44-51).

Regarding to claim 18, Pelech discloses the path setup message is a handoff path setup message (Fig. 7 col. 10 lines 44-55).

5. Claims 7-9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmaier (U.S. Patent 6,304,753 B1) in view of Freeburg et al (U.S. Patent 6,009,086).

Regarding to claims 7 and 8, Hartamier discloses a method of establishing a routing path for packet delivery to a destination node within the same packet-based subnet, said destination node 170 having a destination node address (Fig. 3A, permanent IP address), said method comprising the steps of launching a path setup message from said destination node (Fig. 2 col. 4 lines 2-5), receiving said path setup message over a first interface at a first router 120 (col. 4 lines 13-15), and creating a first routing table entry (Fig. 3 B, temporary IP address) for a first routing table, said first routing table entry corresponding said destination node address to said first interface (Fig. 2 col. 4 lines 57-61), wherein a packet, subsequently received at said first router and having said destination node address as a packet header destination address, is

forwarded from said first router over said first interface after said first router associates said destination node address with said first routing table entry (Fig. 5 col. 6 lines 35-54).

Hartmaier fails to teach the wireless device is a CDMA wireless device that can simultaneously tune to, and receive packets from greater than one base station.

However, Freeburg discloses in telecommunication network, wherein a mobile station simultaneously received packets from more than one base station using CDMA.

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to includes the CDMA mobile device as taught by Freeburg in Hartmaier's method with the motivation to have continuous communication for mobile device even when a base station servicing the mobile device failed.

Regarding to claim 9, Hartmaier discloses the data network is a packet data, network such as the Internet (col. 3 lines 50-52).

Regarding to claim 17, Freeburg discloses the path setup message is a power up path setup message (col. 6 lines 35-37).

6. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmaier in view of Chang (U.S. Patent 6,058,113).

Regarding to claim 12, Hartmaier discloses a method of establishing a routing path for packet delivery to a destination node within the same packet-based subnet, said destination node 170 having a destination node address (Fig. 3A, permanent IP address), said method comprising the steps of launching a path setup message from said destination node (Fig. 2 col. 4 lines 2-5), receiving said path setup message over a

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first interface at a first router 120 (col. 4 lines 13-15), and creating a first routing table entry (Fig. 3 B, temporary IP address) for a first routing table, said first routing table entry corresponding said destination node address to said first interface (Fig. 2 col. 4 lines 57-61), wherein a packet, subsequently received at said first router and having said destination node address as a packet header destination address, is forwarded from said first router over said first interface after said first router associates said destination node address with said first routing table entry (Fig. 5 col. 6 lines 35-54).

Hartmaier fails to teach for maintaining said first routing table entry as a soft state in said first router, is said first routing table entry overwritten with a default entry if a refresh path setup message is not received at said router within a specified period of time.

However, Chang discloses a switching node maintaining a soft state routing information, wherein upon the timer expires a RSVP message is sent to the switching node to updated the routing information (Fig. 5 col. 11 lines 13-21).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of then invention, to includes a switching node as taught by Chang in Hartmaier's method with the motivation to accommodated dynamic changing state of routing information.

Regarding to claim 19, Chang discloses the path setup message is a refresh path setup message (Fig. 4 col. 8 lines 20-50).

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Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartmaier.

Regarding to claim 13, Harmaier discloses a packet router 120 (Fig. 1) having a routing table adapted to maintain a plurality of routing table entries, said packet router comprising means for receiving a path setup message over a first interface (Fig. 2 col. 4 lines 13-15), said path setup message including a field defining a destination address (Fig. 3A col. 4 lines 20-26), means, responsive to receiving said destination address, for generating a routing table entry corresponding packets arriving at said packet router and having said destination address as a packet header destination address to said first interface (Fig. 2 col. 4 lines 57-65), means for receiving at least one packet having said destination address to as said packet header destination address (Fig. 5 col. 6 lines 35-

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47), means for performing a lookup of said routing table entry having said destination address and as said packet header destination address from said plurality of routing table entries (Fig. 5 col. 6 lines 47-50), and means, responsive to said lookup, for forwarding said at least one packet over said first interface (Fig. 5 col. 6 lines 50-52).

Regarding to claim 14, Hartmaier discloses destination device node 170 (mobile unit) is wireless device (Fig. 1 col. 2 lines 2-3)

Regarding to claim 15, Pelech discloses first router (ancestral node) is incorporated within a first wireless base station (Fig. 3 col. 5 lines 8 lines 50-65).

Regarding to claim 16, Hartmaier discloses the data network is a packet data, network such as the Internet (col. 3 lines 50-52).

9. Claims 20 and 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Pelech.

Regarding to claim 20, Pelech discloses a method (Fig. 7) of updating host-based routing table entries for a plurality of routers within a subnet when a mobile device is handed off from a first wireless base station to a second wireless base station, said subnet providing a wireless access for said mobile device to a packet-based network, said method comprising the steps of creating a handoff path setup message at said mobile device (col. 10 lines 44-52), routing said handoff path setup message to said first wireless base station (col. 53-55), relating, as a routing table entry, an address for said mobile device with to an interface over which said handoff path setup message is received at said first wireless base station and each intermediate router and base station through which said handoff path setup message is routed (col. 10 lines 64-67

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and col. 11 lines 1-9), and utilizing said routing table entry to forward a packet having said address for said mobile device as a packet header destination address over said interface over which said handoff path setup message is received (Fig. 6 col. 9 lines 13-49).

Regarding to claim 21, Pelech discloses the subnet is a single hop wireless network (Fig. 4 col. 5 lines 36-42).

Conclusion

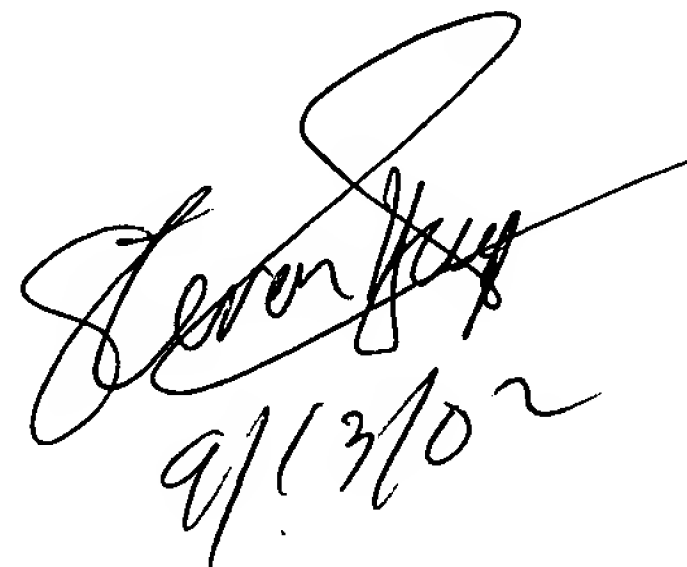
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD

September 12, 2002



9/13/02